DETAILED ACTION

Specification

1. The specification is objected to for not providing antecedent basis for the term "computer readable medium." A common interpretation of computer readable medium could include transitory medium such as a signal existing only in a wire or wirelessly on a network. Unless these embodiments are excluded by applicant in the definition of "computer readable medium," claim 20 is non-statutory.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka et al., US Patent 6,654,949, In view of Sakoh et al., US Patent 6,704,434.

5. With respect to claim 1, Nonaka teaches a portable content presentation device comprising: a content signal source for providing a first content signal; a memory; a

presentation signal generator operable to generate a presentation signal from the first content signal; a portability processor for determining a portability state of the portable content presentation device; and a memory controller operable to dynamically adjust a first memory allocation of the memory associated with the first content signal, in col. 4, lines 4-58, where the pickup and amplifier supply the signal, the vibration resistive memory controller 6 is the portability processor, and the controller creates the first memory allocation in memory 7, and col. 5, lines 6-64.

Nonaka fails to teach a second memory allocation. Sakoh teaches creating a second memory allocation of the memory for a second application in response to the portability state, in col. 16, lines 15-35.

It would have been obvious to one of ordinary skill in the art, to modify the content presentation device of Nonaka with the content presentation device of Sakoh in order to not only buffer audio data, as with Nonaka, but also to buffer image data, in order to preserve the image stream, as taught by Sakoh in col. 16, lines 15-35.

6. With respect to claim 2, Nonaka teaches a portable content presentation device as claimed in claim 1 wherein the first memory allocation is a buffer memory allocation for the first content signal, in col. 4, lines 4-58.

7. With respect to claim 3, Nonaka teaches a portable content presentation device as claimed in claim 2 wherein the first memory allocation is electronic shock protection memory and the portable content presentation device comprises a shock protection processor operable to control the buffering of the first content signal in the memory so as to reduce fluctuations in a content signal buffer output rate, in col. 4, lines 4-58.

8. With respect to claim 4, Nonaka teaches a portable content presentation device as claimed in claim 1 wherein the portability state comprises a portability state indication of whether the portable content presentation device is in a substantially stationary state or in a substantially portable state, in col. 4, lines 4-12.

9. With respect to claim 5, Nonaka teaches a portable content presentation device as claimed in claim 4 wherein the portability processor is operable to set the portability state indication in response to a movement detection, in col. 4, lines 4-12.

10. With respect to claim 6, Nonaka teaches a portable content presentation device as claimed in claim 4 wherein the portability processor is operable to set the portability state indication in response to a detection of the portable content presentation device having an external connection, in col. 1, lines 9-14.

11. With respect to claim 7, Nonaka teaches a portable content presentation device as claimed in claim 6 wherein the external connection is an external connection to a substantially stationary presentation device, in col. 1, lines 9-14.

12. With respect to claim 8, Nonaka teaches a portable content presentation device as claimed in claim 6 wherein the external connection is an external connection to a power source, in col. 4, lines 4-58.

13. With respect to claim 9, Nonaka teaches a portable content presentation device as claimed in claim 1 wherein the second application is a control application of the portable content presentation device, in col. 5, lines 27-31.

14. With respect to claim 10, Sakoh teaches a portable content presentation device as claimed in claim 1 wherein the content source is further operable to provide a second

content signal and wherein the second application is a processing function associated with the second content signal, in col. 16, lines 15-35.

15. With respect to claim 11, Sakoh teaches a portable content presentation device as claimed in claim 1 wherein the second application is a presentation application of a second content signal, in col. 16, lines 15-35.

16. With respect to claim 12, Sakoh teaches a portable content presentation device as claimed in claim 11 wherein the second content signal is a different type of content signal than the first content signal, in col. 16, lines 15-35.

17. With respect to claim 13, Nonaka and Sakoh teach a portable content presentation device as claimed in claim 12 wherein the first content signal is an audio content signal and the second content signal is a visual content signal, in col. 5, lines 27-31 of Nonaka, and col. 16, lines 15-35 of Sakoh.

18. With respect to claim 14, Saokoh teaches a portable content presentation device as claimed in claim 13 wherein the second application is an image presentation application and the portable content presentation 30 device (101) is operable to use the second memory allocation as an image cache, in col. 16, lines 15-35.

19. With respect to claim 15, Sakoh teaches a portable content presentation device as claimed in claim 1 wherein the second application is enabled by the creation of the second memory allocation, in col. 16, lines 15-35.

20. With respect to claim 16, Nonaka teaches a portable content presentation device as claimed in claim 1 wherein the portable content presentation device is a portable audio player, in col. 1, lines 5-8.

21. With respect to claim 17, Nonaka teaches a portable content presentation device as claimed in claim 1 wherein the memory consists in single memory element, in col. 5, lines 28-36, memory 7.

22. Claim 18 is rejected using similar reasoning as claim 1.

23. Claim 20 is rejected for similar reasons as claim 18.

Response to Arguments

24. Applicant's arguments filed 6/23/09 have been fully considered but they are not persuasive. With respect to Applicant's arguments regarding Nonaka and teaching dynamically adjusting a first memory allocation of the memory associated with the first content signal are misdirected because they interpret the CD of Nonaka as the memory of the claim. The Examiner identified the memory 7 of Nonaka as corresponding to the memory of the claim, not the CD. It is believed that interpreting Nonaka this way, such that Nonaka's memory 7 is the first memory allocation, and Sakoh's buffer of image data is the second memory allocation, that the combination of Nonaka and Sakoh taken as a whole teaches all limitations of the independent claims. Applicant's arguments regarding "teaching away" are also moot, because they are directed towards the interpretation of the CD as the first memory allocation. With respect to Applicant's arguments directed towards two content signals, the Examiner would like to clarify that all the above rejections of the independent and dependent claims use the combination of Nonaka and Sakoh, and the argument that Nonaka alone does not have two content signals is piecemeal analysis. The Nonaka reference teaches the first content signal,

and the Sakoh reference teaches the second content signal, and the logical combination of the two references teaches all limitations of all pending claims as discussed above.

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN DARE whose telephone number is (571)272-4069. The examiner can normally be reached on Mon-Fri 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571)272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Dare/
October 25, 2009

/Pierre-Michel Bataille/
Primary Examiner, Art Unit 2186